REMARKS

Reconsideration and allowance of the claims pending in the application are requested.

Applicants' attorney thanks Supervisory Patent Examiner Saleh Najjar and Examiner Asad M. Nawaz for the courtesy of a personal interview conducted February 2, 2006. Claims 1-4, 6-13, 29-32 and 34-42 pending in the application were discussed with respect to the cited reference USP 6,871,236 (Fishman). To advance the prosecution of the application, Applicants' attorney agreed to file an RCE and amend the independent claims to describe "the same multi-user application data transferred to the plurality of portable terminal." The Examiners' indicated that such amendment would overcome the prior art relied upon, USP 6,871,236 (Fishman).

Claims 1-4, 6-13, 29-32 and 34-42 have been rejected, as follows:

1. Claims 1-3, 6, 10-13, 29-31, 33-34 and 38-42 have been rejected under 35 USC 102 (e) as anticipated by USP 6,871,236 to Fishman et al., of record.

2. Claims 7-9 and 35-37 have been under 35 USC 103 (a) as unpatentable over Fishman, of record.

3. Claims 4 and 32 have been rejected under 35 USC 103(a) as unpatentable over Fishman in view of USPA 2001/0054087 to Flom, of record.

Applicants' have amended independent claims 1, 29 and 42 and their related dependent claims in accordance with the agreement reached at the personal interview conducted February 2, 2006. New claims 43 - 47 have been added, as follows:

A. Claim 43 describes claim 1 in apparatus format. Claim 43 is patentable on the same basis as claim 1.

B. Claim 44 depends from claim 43 and describes the wireless terminal of claim 2 in apparatus format. Claim 44 is patentable on the same basis as claim 43.

C. Claim 45 depends from claim 43 and describes the server of claim 3 in apparatus format. Claim 45 is patentable on the same basis as claim 43.

D. Claim 46 depends from claim 43 and describes a wireless terminal with limited memory capacity to reduce terminal size, and is patentable on the same basis as claim 43.

E. Claim 47 depends from 43 and describes an energy management system for the apparatus, and is patentable on the same basis as claim 43.

Entry of claims 43-47 and allowance thereof are requested.

For purposes of the record, Applicants respond to the indicated Paragraphs of the Final Office Action, dated October 20, 2005, as follows:

Regarding Paragraph 1:

The Examiner's remarks are noted.

Regarding Paragraphs 2 - 4:

Claims 1-3, 6, 10-13, 29-3, 33-34 and 38-42 include features not disclosed in Fishman, as follows:

A. Claim 1:

(i) "a portable hand-held user device operating as a wireless server including a mass memory module to store and communicate multi-user data with said at least one wireless user terminal;"

(a) Fishman at column 3, lines 47 – 59 discloses the mobile gateway stores transformed content in a cache. In contrast, applicants at Paragraph 0032 disclose a mass memory module stores multi-user data accessible by users of hand held terminals. Applicants' system provides direct access application data without transforms, which expedites the use of the data and saves memory space.

(b) Fishman in Figure 1, at column 3, line 60, continuing to column 7, line 8 discloses client data requests are processed solely by the cache, and not by a mass memory module 39, shown in Figure 1. In contrast, Applicants at Paragraph 0037, disclose the server retrieves data from the mass memory in response to a data request of a terminal. The mass memory of Fishman is not involved in processing terminal requests.

(c) Fishman at column 8, lines 52, continuing to column 9, 10, discloses the cache stores transforms and transformed data objects. In contrast, applicants at Paragraph 0030 disclose a mass memory stores multi-user application programs and data, which would otherwise be stored in the wireless terminal. Applicants' system reduces the size of the wireless terminal.

Summarizing, Fishman discloses a server, which stores transforms and transformed content in a cache, and fails to disclose storing multi-user data in a mass memory, saving storage space in a terminal and expediting the use of the data by the terminal. The rejection of claim 1 under 102 (e), based upon Fishman, is without support in the cited reference. Withdrawal of the rejection and allowance of claim 1 are requested.

B. Claim 29 and 42:

(i) "storing multi-user data in the mass memory of a portable hand-held user device operating as a wireless server;"

Fishman stores transforms and transformed content in a cache and fails to disclose storing multi-user data in a mass memory of a portable hand-held user device.

(ii) "transmitting data stored in said mass memory to said wireless user terminal device using a wireless protocol;"

Fishman transmits transformed content in the cache to the wireless terminal and fails to disclose transmitting multi-user data stored in the mass memory to the wireless terminal.

(iii) "executing of said multi-user data by said wireless user terminal device transmitted by said portable wireless server."

Fishman discloses the terminal executes transformed content and fails to disclose executing multi-user data stored in the mass memory of a portable wireless server.

Fishman fails to disclose the features (i), (ii) and (iii) of claims 29 and 42. The rejection of claims 26 and 42 under 35 USC 102 (e) is without support in the art based on Fishman. Withdrawal of the rejection and allowance of claims 29 and 42 are requested.

C. Claims 2 and 31:

(i) "a user interface that allows the user to request data from said mass memory module;"

Fishman at column 13, lines 36-45 discloses a terminal requests content from the mobile gateway cache. In contrast, Applicants at Paragraph 0037, discloses a terminal requests data from the mass storage of a portable terminal.

(ii) "a buffer memory for storing instruction for executing the data received by said at least one wireless user terminal;"

Fishman at column 4, lines 18-39, discloses mobile clients or terminal devices are any type of computing device. Such devices include a mass memory. In contrast, Applicants at paragraph 0029, describe the terminal is without a mass memory but includes a buffer memory to store instructions for processing the data received by the terminal. Applicants' terminal without a mass memory can not be viewed as a computing device, as described by Fishman. The absence of a mass memory in applicants' terminal also allows a more streamline design than prior terminals. Fishman fails to disclose a terminal with limited memory for processing instructions.

Moreover, the absence of a mass memory in applicants' terminal is an unobvious difference with respect to the terminals described in the cited art. Such prior art terminals require mass memory in order to perform their computing functions whereas applicants terminal only requires a buffer memory to process instructions. MPEP 2112 (V) declares an inherency rejection fails where there is an unobvious difference between the claimed subject matter and the cited art, as is the case in the present instance.

The rejection of claims 2 and 30 under 35 USC 102 (e) fails for lack of support in Fishman, as indicated above. The rejection based on inherency fails as contrary to MPEP 2112 (V). Withdrawal of the rejection of claims 2 and 30 under 35 USC 102 (e), and allowance thereof are requested.

D. Claims 3 and 31:

(i) "a mass memory module for storing data used by said at least one wireless user terminal;"

Fishman at column 9, lines 11 – 29, discloses "Cache 280 stores content, such as data object 232, and transformed content, such as the content that results from applying transform A 254 to data object 232." The request for content and the transform identifier are submitted to the cache so that the transformed content may be returned if available. In cases where the content is available in an untransformed state, the appropriate transform is applied to the content. The newly transformed content is then added to the cache and sent to the requesting mobile client. If the content itself is not stored in the cache, mobile gateway 250 first requests the content from content server 210." In contrast, Applicants at Paragraph 0037, disclose the server retrieves the requested data stored in the mass module. Clearly, the cited text demonstrates the mass module 39 of Fishman is not involved in the transfer of data to a wireless terminal.

(ii) "a processor in communication with said mass memory module that executes requests for data by said at least one wireless user terminal and locates data in said mass memory module;"

Fishman at column 9, lines 11-29, discloses a processor is in communication with the cache and locates data in the cache (not the mass module 39), in response to a request for data by a wireless terminal. In contrast, Applicants' system, as described in Paragraph 0037 discloses the processor communicates with the mass memory module and executes requests for data.

The rejection of claims 3 and 31 is without support in Fishman, for reasons indicated above in (i) and (ii). Withdrawal of the rejection of claims 3 and 31 under 35 USC 192 (e) and allowance thereof are requested.

E. Claims 6 and 34:

Claims 6 and 34 depend from claims 1 and 29, respectively and are patentable on the same as claim 1 or 29, as the case maybe.

F. Claims 10 and 11 and 38-39:

Claims 10-11 and 38-39 depend from claims 1 and 29, and are patentable on the same as claim 1 or 29, as the case maybe.

G. Claims 12-13 and 40 - 41:

Claims 12-13 and 40-41 depend from claims 1 and 29, and are patentable on the same as claim 1 or 29, as the case maybe.

Summarizing, Fishman discloses a computing device acting as a mobile gateway in conjunction with a content server for responding to data requests from a wireless terminal. The gateway provides data stored in a cache to a terminal as transformed data or obtained from a content server and provided to the terminal after transformation. There is no disclosure in Fishman relating to a mass memory module in a portable terminal being involved in the transfer of data to a wireless terminal. Fishman fails to disclose (i) a mass module storing multi-user data and communicating the same multi-user data intact to a wireless terminal; Fishman stores and transforms data in a cache and transmits the transformed data to the terminal or retrieves, transforms, stores and transmits transformed data from a content server to a terminal, and (ii) a wireless terminal with a buffer memory for processing instructions. Fishman discloses the wireless terminal is a computing device, which would include a mass memory for computing purposes, and not a buffer memory limited to processing instructions. Fishman does not provide support for the rejection of claims 1-3, 6, 10-13, 29-31, 33-34 and 38-42 under 35 USC 102 (e) Withdrawal of the rejection and allowance of claims 1-3, 6, 10-13, 29-31, 33-34 and 38-42 are requested.

Regarding Paragraphs 5 and 6:

Claims 7-9 and 35-36 include features not disclosed in or are unobvious with respect to Fishman and overcome the rejection under 35 USC 103 (a), as follows:

A. Claims 7-8 and 35-37:

Applicants traverse the rejection of claims 7-9 as obvious based on MPEP 2144 (A) which states, in part, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Applicants submit the facts described by the Examiner are not capable of instant and unquestionable demonstration of a cable between a wireless terminal and a portable server as being well known.

The rejection of claims 7-8 and 35-37 as obvious under 35 USC 103 (a) is without support by the failure of the Examiner to cite a reference, as required by MPEP 2144 (a). Withdrawal of the rejection and allowance of claims 7-8 and 35-37 are requested. In any case, claims 7-8 depend from claim 1 and claims 35-37 depend from claims 29, and are patentable on the same basis as claim 1 and 29, as the case maybe.

B. Claims 9 and 37:

Applicants traverse the rejection of claims 9 and 37 on the same basis as the traversal of clams 7-8 and 35-37, namely, the failure of the Examiner to cite a reference in support of the obviousness rejection.

Regarding Paragraph 7:

Claims 4 and 32 depend from claims 1 and 29, respectively, and are patentable on the same basis thereof. Withdrawal of the rejection of claims 4 and 32 under 35 USC 103 (a) and allowance thereof are requested.

CONCLUSION:

Applicants respectfully submit the discussions at the Interview conducted February 2, 2006 have been implemented and the cited art has been overcome. The response to the Final Office Action dated October 20, 2005 has been entered for purposes completing the record. Entry of the Preliminary Amendment, allowance of claims 1- 13 and 29-51 and passage to issue of the application are requested

AUTHORIZATION:

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4044. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4044. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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